

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

**CONNIE REYNOLDS, individually and as
parent to ROBERT REYNOLDS, JR., a
minor,**

Plaintiffs,

VS.

**WAL-MART STORES, and PACIFIC
CYCLE, INC.,**

Defendants.

CASE NO. 8:04CV91

**MEMORANDUM
AND
REMAND ORDER**

This matter is before the Court on the Report and Recommendation (Filing No. 26) issued by Magistrate Judge F.A. Gossett recommending that I grant the Plaintiffs' Motion to Remand. The Defendant has not objected to the Report and Recommendation.

Pursuant to 28 U.S.C. § 636(b)(1) and NECivR 72.3, the Court has conducted a *de novo* review of the record. The Court accepts the Report and Recommendation for the legal conclusion that remand is warranted. Accordingly,

IT IS ORDERED:

1. The Magistrate Judge's Report and Recommendation (Filing No. 26) is adopted for the recommendation to remand the case;
2. The Plaintiff's Motion to Remand (Filing No. 21) is granted;
3. This matter (referred to in the District Court for Dixon County, Nebraska, as CI 04-6) is hereby remanded to the District Court for Dixon County, Nebraska; and
4. The Clerk of the Court is hereby directed to take all necessary steps to accomplish the remand, and to terminate this matter for all purposes.

Dated this 2nd day of September, 2005.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge